

Fed. R. App. P. 4(a)(6).

A review of the record shows that on September 28, 2006, the court appointed counsel to represent petitioner for the purpose of conducting an evidentiary hearing (Dkt. 19). The hearing was held on February 21, 2007 (Dkt. 37), and an Opinion and Order denying petitioner's petition for a writ of habeas corpus was entered on March 20, 2007 (Dkt. 39). The Tenth Circuit affirmed in Case No. 07-7024 on May 12, 2008 (Dkt. 53), and petitioner's petition for a writ of certiorari was denied by the United States Supreme Court on October 14, 2008 (Dkt. 55). The Tenth Circuit subsequently denied petitioner's motion for authorization to file a second or successive habeas application pursuant to 28 U.S.C. § 2254. *In re Pearl*, No. 12-7018, slip op. (10th Cir. Mar. 16, 2012) (Dkt. 57).

After the evidentiary hearing, petitioner's appointed counsel did not requested to withdraw from this case. Therefore, when the court entered its minute order on October 6, 2014, copies of the order went to counsel but not to the petitioner.¹

After careful review, the court finds that petitioner did not receive notice of the order at issue within 21 days after entry, and his motion was filed within 180 days after entry of the order. The court further finds that no party would be prejudiced by reopening the time for petitioner to file an appeal. Therefore, the time to appeal should be reopened.

ACCORDINGLY, petitioner's time to appeal is reopened pursuant to Fed. R. App. P. 4(a)(6).



Frank H. Seay
United States District Judge

¹ Petitioner has been added to the mailing list.